



***United States Attorney
Southern District of New York***

**FOR IMMEDIATE RELEASE
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**U.S. CHARGES NEWBURGH POLICE OFFICER
WITH CIVIL RIGHTS VIOLATION**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, announced that JOHN KOPTULA, a police officer with the City of Newburgh Police Department, was charged in a Complaint filed today in White Plains federal court with violating the civil rights of Nathaniel Herbin by using excessive force on Herbin during the course of an arrest that occurred in the City of Newburgh on February 23, 2001.

According to the Complaint, at approximately 4:00 a.m. on that date, KOPTULA responded to a radio call from another police officer who was requesting assistance in arresting Herbin on Landers Street in Newburgh. The Complaint charges that, when Herbin did not obey the officers' orders to get into the patrol car, KOPTULA threw Herbin, who was handcuffed, to the ground and kicked him in the head.

KOPTULA voluntarily surrendered on December 18, 2003, and he was presented on the charge before United States Magistrate Judge LISA MARGARET SMITH. At the presentment, KOPTULA entered into an agreement with the Government under which prosecution on

the charge will be deferred for one year and the charge will be dismissed if the defendant satisfies the conditions set forth in the agreement.

Under the agreement, KOPTULA, who is presently on desk duty, may not seek or accept any permanent change in his duty status that would require or permit him to carry a weapon, wear a badge, or interact regularly with the public. KOPTULA further agreed that, in the event he leaves or is dismissed from his employment with the City of Newburgh Police Department, he will not seek employment as a law enforcement officer elsewhere.

Under the terms of the agreement, known as a deferred prosecution agreement, KOPTULA will be under the supervision of the Court for a period of one year. If, at the end of that period, KOPTULA complies with the terms of the deferred prosecution agreement, the charge against him will be dismissed.

Assistant United States Attorneys MARGERY B. FEINZIG and ANDREW W. SCHILLING are in charge of the prosecution.

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